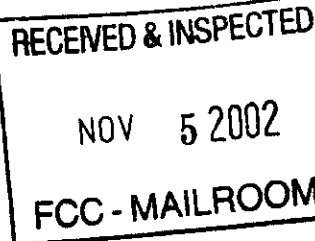


DOCKET FILE COPY ORIGINAL



Cherry Creek Schools

Information Systems Department
4700 South Yosemite Street
Greenwood Village, Colorado 80111
720.554.4575
720.554.4775 FAX

October 29, 2002

RE: CC Docket Nos. 96-45 and 97-21,

Appeal of USAC Administrator's Decision on Appeal - Funding Year 2001-2002, dated October 21, 2002

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

To Whom It May Concern:

Subject: Appeal of USAC Administrator's Decision on Appeal - Funding Year 2001-2002,

**Cherry Creek School District 5,
Form 471 Application Number: 226427,
Billed Entity Number: 142140
Funding Request Numbers 524115, 526362 and 526468**

Cherry Creek School District ("the District") is appealing the Administrator's Decision on Appeal regarding the funding decision of the SLD for the above referenced FRNs on the basis that the SLD incorrectly applied documentation requested of, and provided by, the District, and the District is now being penalized due to the failure of an SLD staff person to adequately document what had been requested of the District by way of support for the referenced funding requests.

Our original appeal was based on PIA's requesting copies of bills for three FRNs, containing 46, 48 and 72 Qwest billing numbers. In discussion with PIA it was agreed that samples of 12 bills for each FRN would be provided, with the balance to be sent if needed. It was hoped this compromise would avoid the effort and expense associated with making copies of, and sending, this large number of pages to SLD. Unfortunately, from our perspective, funding for each FRN was granted for only the 12 billing numbers whose bills were submitted to PIA, as SLD handled the request as if these 36 billing numbers reflected our total request for these FRNs.

The Administrator's Decision states: "... there is no indication that PIA requested a mere sampling of bills or indicated that said sampling would be sufficient documentation to validate the dollar amount requested. There is no indication on your response that the information provided was a sample of the bills." We admit that perhaps we should have indicated in our cover memo that this was just a sampling for the three FRNs in question, but, at the time, our conversations with PIA were fresh in our minds and the need for such detail was not realized. In any event, our conversations with PIA were clear, that in an attempt to keep from having to pull 130 additional bills from storage, make copies of them, and send the additional 260 pages to SLD, PIA would try to work from the 36 bills (72 pages) provided for the 3 FRNs on appeal. At this late date, it appears that PIA's failure to document that we had discussed at length the issue of a sampling is now penalizing the District by the resulting reduction in our funding requests.

We have enclosed copies of our original appeal to the SLD (dated November 12, 2001), including our original Form 471 attachment with those billing numbers for which we submitted bills highlighted in red, and the resulting Administrator's Decision on Appeal (dated October 21, 2002).

No. of Copies rec'd _____
List ABCDE _____

Dedicated to Excellence

October 29, 2002

In summary, our appeal, based on the items discussed above, is for reinstatement of our initial requested funding, based on our submitted Form 471, for the three FRNs indicated. Thank you for your consideration of our appeal.

Please contact:

Mr. Stan Massey
4700 S. Yosemite
Greenwood Village, CO 80111

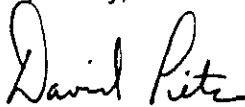
phone: 720-554-4596

fax: 720-554-4775

email: smassey@mail.ccsd.k12.co.us

with any questions regarding this appeal.

Respectfully,

A handwritten signature in black ink, appearing to read "David Pieta". The signature is fluid and cursive, with the first name "David" and last name "Pieta" clearly distinguishable.

David Pieta
Director, Information Systems
Enclosures



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

October 21, 2002

David Pieta
Cherry Creek Schools
Information Systems Department
4700 South Yosemite Street
Greenwood Village, Colorado 80111

Re: Billed Entity Number: 142140
471 Application Number: 226427
Funding Request Number(s): 524115, 526362, 526468
Your Correspondence Dated: November 12, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of our decision. The date of this letter begins the 60-day time period for appealing our decision to the Federal Communications Commission ("FCC"). If your letter of appeal contains more than one Application Number, please note that for each application number an appeal is submitted, a separate letter is sent.

Funding Request Number: 524115, 526362, 526468
Decision on Appeal: **Denied in full**
Explanation:

- In your correspondence, you appeal the FRN modification for the fact that the bills submitted were a sample of the total FRN, and they were incorrectly applied to the FRN. You also state through conversations with PIA, a sampling was to be forwarded, and agreed that 12 bill copies would suffice and that after review, if additional documentation was necessary it would be requested at such time. Furthermore your correspondence states that although ineligible charges were listed in the bills, they were not included in the funding request calculations and examples are cited. You request that the FRN's be increased to reflect the full request. A copy of your Item 21-1 originally included in the application was attached to your correspondence.

- Program rules state that all documentation must be specific and sufficiently detailed to substantiate the requests. If the original Item 21 documentation is insufficient, an opportunity is given for additional information to be submitted to support the funding requests. On July 25, 2001 PIA requested additional documentation to validate the dollars requested. On August 16, 2001 you sent "copies of bills for each FRN" to the reviewer. Upon review of the correspondence and the documentation forwarded, there is no indication that PIA requested a mere sampling of bills or indicated that said sampling would be sufficient documentation to validate the dollar amount requested. There is no indication on your response that the information provided was a sample of the bills. The request was reduced to reflect the dollar amounts supported by the requested documentation. The appeal is denied.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service, FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-11 on the first page of your appeal. The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion. Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site: www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Dedicated to Excellence



Cherry Creek Schools

Information Systems Department
4700 South Yosemite Street
Greenwood Village, Colorado 80111

720.554.4575
720.554.4775 FAX

November 12, 2001

RE: FCDL, Funding Year 4, dated October 31, 2001

Letter of Appeal
Schools and Libraries Division
Box 125 — Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

**Subject: Appeal of Funding Commitment Decision,
Cherry Creek School District 5,
Form 471 Application Number: 226427,
Billed Entity Number: 142140
Funding Request Numbers 524115, 526362 and 526468**

Cherry Creek School District ("the District") is appealing the funding decision of the SLD for the above referenced FRNs on the basis that the SLD incorrectly applied documentation requested of, and provided by, the Cherry Creek School District. The specific text of the Funding Commitment Decision Explanation, we believe captures the heart of our appeal, is the statement "The estimated monthly charge was changed to reflect the doc. provided by the applicant." Our appeal is based on the following facts.

During the course of extended discussions between Mr. Stan Massey of the District and Mr. Keith English, PIA, Mr. English requested the District provide him a SAMPLE of bills for the referenced FRNs. As can be seen from a review of the Form 471 Block 5 Attachment # 21-1, included with the District's original Form 471 filing and attached herewith for reference, these three (3) FRNs referred to 46, 48 and 72 Qwest Billing Numbers, respectively. In response to Mr. English's request for samples of our bills he was provided with copies of 12 bills for each FRN (these billing numbers are shown in red on the attachment). This number was arrived at through discussion with Mr. English, and he indicated he believed a sample of this size would be sufficient for his needs. If he then required copies of bills for all of the billing numbers involved he would contact Mr. Massey with that request. Such a request was never made.

In reviewing the Funding Commitments it appears they were made based SOLELY on the 36 bill copies provided, and no funding was provided for the additional 130 billing numbers included in the District's Form 471 request for these three FRNs. Based on this apparent omission, we believe the Funding Commitment for these FRNs should be increased to reflect our full request.

In addition to the omission of the 130 billing numbers from our funding commitment reductions were made for "the ineligible service, late pay. charges and call answering service", "the ineligible service Custodial Mntc. Line and late payment charges" and "the ineligible service, late payment charges". We request that the charges we originally submitted on our Form 471 be accepted as submitted, because the charges referred to above were not included in our original request. Examples of this abound in the sample of bills submitted;

FRN 524115, billing number 690-9050, our request showed monthly charges of \$152.66. On the bill submitted, the Monthly Service for the period is \$194.25, significantly above the requested amount.

FRN 526468, billing number K690-0379, our request showed monthly charges of \$1,200. The bill submitted, reflects a Monthly Service of \$1,252.15, again, above the requested amount.

At the time we submit a request for reimbursement (via the BEAR form) we request reimbursement for only covered charges. Due to the month-to-month variations in our billing amounts it is difficult, if not impossible, to evaluate discount amounts, ineligible services, etc., from a single bill for any one of our circuits.

In summary, our appeal, based on the items discussed above, is for reinstatement of our initial requested funding, based on our submitted Form 471, for the three FRNs indicated. Thank you for your consideration of our appeal.

Please contact:

Mr. Stan Massey
4700 S. Yosemite
Greenwood Village, CO 80111

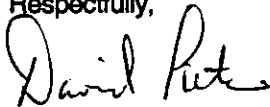
phone: 720-554-4596

fax: 720-554-4775

email: smassey@mail.ccsd.k12.co.us

with any questions regarding this appeal.

Respectfully,



David Pieta
Director, Information Systems
Enclosure

Block 5, Desc. of This Service
Attachment # 21-1

FRN	Contract #	Contract Length	Contract Exp. Date	Phone/Billing #	Type of Svc.	Monthly Charges
524115	C40811	60 Mos.	7/14/2003	755-3910	Centrex service	\$238.48
	C40811	60 Mos.	7/14/2003	757-6213	Centrex service	\$180.63
	C40811	60 Mos.	7/14/2003	364-7657	Centrex service	\$357.29
	C40811	60 Mos.	7/14/2003	338-1486	Centrex service	\$238.39
	C40811	60 Mos.	7/14/2003	753-9984	Centrex service	\$272.93
	C40811	60 Mos.	7/14/2003	690-5995	Centrex service	\$271.76
	C40811	60 Mos.	7/14/2003	751-2010	Centrex service	\$317.95
	C40811	60 Mos.	7/14/2003	680-5982	Centrex service	\$321.56
	C40811	60 Mos.	7/14/2003	617-2310	Centrex service	\$344.87
	C40811	60 Mos.	7/14/2003	766-8444	Centrex service	\$308.80
	C40811	60 Mos.	7/14/2003	766-7315	Centrex service	\$348.20
	C40811	60 Mos.	7/14/2003	766-2680	Centrex service	\$598.92
	C40811	60 Mos.	7/14/2003	761-1938	Centrex service	\$334.77
	C40811	60 Mos.	7/14/2003	759-8019	Centrex service	\$185.28
	C40811	60 Mos.	7/14/2003	693-4251	Centrex service	\$264.18
	C40811	60 Mos.	7/14/2003	779-6760	Centrex service	\$88.67
	C40811	60 Mos.	7/14/2003	771-3112	Centrex service	\$1,340.68
	C40811	60 Mos.	7/14/2003	771-4393	Centrex service	\$108.35
	C40811	60 Mos.	7/14/2003	771-6137	Centrex service	\$61.57
	C40811	60 Mos.	7/14/2003	770-2144	Centrex service	\$111.62
	C40811	60 Mos.	7/14/2003	773-0103	Centrex service	\$21.39
	C40811	60 Mos.	7/14/2003	773-1453	Centrex service	\$105.65
	C40811	60 Mos.	7/14/2003	773-1765	Centrex service	\$86.29
	C40811	60 Mos.	7/14/2003	773-2858	Centrex service	\$130.03
	C40811	60 Mos.	7/14/2003	773-6756	Centrex service	\$174.74
	C40811	60 Mos.	7/14/2003	773-9370	Centrex service	\$42.68
	C40811	60 Mos.	7/14/2003	766-1996	Centrex service	\$173.31
	C40811	60 Mos.	7/14/2003	699-3499	Centrex service	\$41.60
	C40811	60 Mos.	7/14/2003	693-0260	Centrex service	\$151.48
	C40811	60 Mos.	7/14/2003	693-0311	Centrex service	\$143.21
	C40811	60 Mos.	7/14/2003	693-0611	Centrex service	\$234.16
	C40811	60 Mos.	7/14/2003	693-2305	Centrex service	\$355.00
	C40811	60 Mos.	7/14/2003	693-3172	Centrex service	\$151.56
	C40811	60 Mos.	7/14/2003	693-4053	Centrex service	\$166.76
	C40811	60 Mos.	7/14/2003	693-4072	Centrex service	\$113.78
	C40811	60 Mos.	7/14/2003	693-8770	Centrex service	\$200.64
	C40811	60 Mos.	7/14/2003	690-0192	Centrex service	\$21.04
	C40811	60 Mos.	7/14/2003	690-0194	Centrex service	\$21.04
	C40811	60 Mos.	7/14/2003	690-0254	Centrex service	\$215.48
	C40811	60 Mos.	7/14/2003	690-2872	Centrex service	\$132.00
	C40811	60 Mos.	7/14/2003	690-9059	Centrex service	\$152.56
	C40811	60 Mos.	7/14/2003	690-7408	Centrex service	\$21.44
	C40811	60 Mos.	7/14/2003	680-9600	Centrex service	\$129.04
	C40811	60 Mos.	7/14/2003	766-8966	Centrex service	\$21.43
	C40811	60 Mos.	7/14/2003	750-0203	Centrex service	\$279.17
	C40811	60 Mos.	7/14/2003	750-5847	Centrex service	\$231.78
				Total		\$9,785.17
526291	C50866	60 Mos.	12/3/2003	627-6500	Digital PBX	\$2,275.17
	C50866	60 Mos.	12/3/2003	K690-3245	DSS-T1 (trunking)	\$113.41
				Total		\$2,388.58
526297	C52228	60 Mos.	3/5/2004	690-9158	Digital PBX	\$918.33
	C52228	60 Mos.	3/5/2004	K751-3232	DSS-T1	\$113.41
				Total		\$1,031.74
526362	T			D08-6426	Frame Relay	\$1,572.30
	T			755-0598	PBX-1FB - MAIN NUMBER	\$582.69
	T			873-1505	1FB-EMS	\$45.50
	T			741-5652	ISDN	\$67.80
	T			741-5535	ISDN	\$70.32
	T			873-0047	1FB	\$194.43
	T			758-3145	PBX	\$105.01
	T			904-6455	1FB	\$61.88
	T			680-9237	1FB	\$43.70
	T			690-1476	1FB - FAX	\$45.30
	T			770-6387	1FB - FAX	\$49.24
	T			770-6387	1FB - FAX	\$41.44
	T			770-6374	1FB - FAX	\$43.74
	T			770-6374	1FB - FAX	\$43.72
	T			773-9884	1FB - Supt ofc FAX	\$44.60
	T			766-9437	1FB - LMS FAX	\$47.06
	T			699-9073	1FB - Intercept East MAIN NUMBER	\$62.35
	T			699-7660	1FB - switch modem	\$31.61
	T			K690-3029	Data Ckt(FD)	\$85.88

Block 5, Desc. of This Service
Attachment # 21-1

FRN	Contract #	Contract Length	Contract Exp. Date	Phone/Billing #	Type of Svc.	Monthly Charges
	T			K773-5180	M/F data	\$102.42
	T			779-0586	1FB - FAX	\$44.47
	T			766-8962	PBX	\$98.04
	T			699-0188	MBL - modem	\$9.00
	T			K773-3723	M/F data	\$100.10
	T			K773-7436	M/F data	\$224.49
	T			K773-7437	M/F data	\$100.10
	T			K773-7465	M/F data	\$61.49
	T			K773-7625	M/F data	\$177.62
	T			K773-7661	M/F data	\$243.46
	T			K773-7662	M/F data	\$289.86
	T			K773-7663	M/F data	\$286.38
	T			K773-7664	M/F data	\$323.54
	T			K773-7719	M/F data	\$157.62
	T			K773-7900	M/F data	\$214.60
	T			K773-7901	M/F data	\$307.88
	T			K773-7902	M/F data	\$216.92
	T			K761-3774	1FB	\$343.99
	T			K761-3775	1FB	\$50.74
	T			693-7686	1FB	\$51.75
	T			690-3188	1FB	\$42.43
	T			690-3189	1FB	\$287.63
	T			720-870-0286	1FB	\$73.13
	T			694-3551	1FB	\$33.61
	T			340-4136	1FB	\$93.04
	T			773-1888	1FB	\$54.50
	T			694-3070	ISDN	\$217.79
	T			694-2009	ISDN	\$212.83
	T			720-528-7553	ISDN/BRI	\$354.04
				Total		\$8,014.20
526431	C66019	60 Mos.	11/4/2004	K690-3283	PRI DS1	\$565.62
	C66019	60 Mos.	11/4/2004	400-7700	PRI trunks - MAIN NUMBER	\$1,230.74
				Total		\$1,796.36
526468	C63343	60 Mos.	12/20/2004			
				K694-1611	DS3	\$1,440.00
				K690-0290	DS3	\$1,440.00
				K695-1217	DS3	\$1,440.00
				K690-0302	DS3	\$1,440.00
				K690-0295	T1	\$16.00
				K690-0303	5 T1s	\$161.08
				K690-0304		\$161.08
				K690-0305		\$161.08
				K690-0391		\$161.08
				K690-0392		\$161.08
				K690-0297	4 T1s	\$161.08
				K690-0298		\$161.08
				K690-0299		\$161.08
				K690-0300		\$161.08
				K695-1223	3 T1s	\$150.24
				K695-1224		\$150.24
				K695-1225		\$150.24
				K695-1222	T1	\$139.40
				K690-0296	T1	\$139.40
				K694-1921	4 PRIs	\$1,200.00
				K694-1922		\$1,200.00
				K694-1923		\$1,200.00
				K694-1924		\$1,200.00
				K690-0370	4 PRIs	\$1,200.00
				K690-0377		\$1,200.00
				K690-0378		\$1,200.00
				K690-0379		\$1,200.00
				K695-1419	4 PRIs	\$1,200.00
				K695-1420		\$1,200.00
				K695-1421		\$1,200.00
				K695-1422		\$1,200.00
				K690-0380	4 PRIs	\$1,200.00
				K690-0381		\$1,200.00
				K690-0382		\$1,200.00
				K690-0383		\$1,200.00
				K690-0433	PRI	
				K694-1925	PRI	
				K690-0384	PRI	

Block 5, Desc. of This Service
Attachment # 21-1

FRN	Contract #	Contract Length	Contract Exp. Date	Phone/Billing #	Type of Svc.	Monthly Charges
				K690-0709	T1	
				K691-1379	T1	\$231.40
				K695-2741	T1	\$231.40
				K695-2740	T1	\$108.00
				K695-2393	T1	\$108.00
				K695-2076	T1	\$108.00
				K340-1688	T1	\$108.00
				K691-1380	T1	\$231.40
				K694-3248	T1	\$239.40
				K694-1614	T1	\$108.00
				K694-3245	T1	\$108.00
				K694-3250	T1	\$108.00
				K694-3246	T1	\$108.00
				K694-3247	T1	\$108.00
				K694-1613	T1	\$108.00
				K694-3249	T1	\$108.00
				K694-1612	T1	\$108.00
				K761-0499	T1	\$108.00
				K690-0516	T1	\$242.24
				K690-0707	T1	\$108.00
				K690-0706	T1	\$108.00
				K690-0701	T1	\$108.00
				K690-0700	T1	\$108.00
				K690-0702	T1	\$108.00
				K690-0435	T1	\$108.00
				K690-0434	T1	\$108.00
				K690-0579	T1	\$108.00
				K690-0580	T1	\$108.00
				K690-0581	T1	\$108.00
				K690-0703	T1	\$108.00
				K690-0704	T1	\$108.00
				K690-0705	T1	\$108.00
				K690-0708	T1	\$108.00
				K690-3240	T1	\$108.00
				K690-0416	T1	\$108.00
				K690-0404	T1	\$108.00
				K690-0403	T1	\$108.00
				Total		\$261.08
						\$31,940.16